REMARKS

Amendment to claims 4, 5, 9, 15, and 16 has been made to overcome the Examiner's rejection under 35 USC 112, second paragraph and 35 USC 101.

The Examiner has rejected claims 1, 3-6, and 11 under 35 USC 102(b) as being anticipated by FR 2776287 to Soria, et al.

The Applicant submits that anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 221 USPQ 385 (Fed. Cir. 1984); *In re* Sun, 31 USPQ 2d 1451 (CAFC 1993); Advanced Display Systems, Inc. v. Kent State University, 540 USPQ 2d 1673 (CAFC 2000); and Eli Lily v. Zenith Goldline, 810 USPQ 2d 324 (Fed. Cir. 2006); Net Money In, Inc. v. Verisign, Inc., 88 USPQ 2d 1751 (Fed. Cir. 2008).

In addition, the Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. *Ex Parte* Levy, 17 USPQ 2d 1461 (USPTO Board of Patent Appeals and Interferences 1990).

In addition, the Applicant submits that anticipation must meet strict standards, and unless all of the same elements are found in exactly the situation and united in the same way to form identical function in the single prior art reference, there is no anticipation. Tights, Inc. v. Acme McCary Corp., et al., 191 USPQ 305 (CAFC 1976).

In the case at hand, Soria, et al. does not teach the use of an oxycarboxylic acid. Instead, Soria, et al. uses polymethacrylic acid having totally different chemistry than carboxylic acid.

With reference to page 14, second full paragraph of the original specification, the molecules must have a bi-functional structure, so that one portion of the molecule binds to the particle surface and another part of the molecule achieve compatibility to the matrix, such as an

oxycarboxylic acid. Polymethacrylic acid taught by the Soria, et al. reference does not have this property.

In addition, claim 1 has been amended to define the inorganic particles, namely the metal oxide, carbide, intride, or sulfide powder as having a particle size of between one and 300nm as set forth in the original specification on page 13 first full paragraph. This is totally beyond the range of particles taught by Soria, et al. which are not in nanoscale. Further, Soria, et al. only teaches hollow fibers having a diameter greater than a 500μm as recognize by the Examiner.

Accordingly, the Examiner has not made a prima facie case of anticipation for independent claim 1 with claims 3-6 and 11 being dependent therefrom and accordingly also not anticipated by the Soria, et al. reference. Withdrawal of this rejection is respectfully requested.

Claims 2, 8, 9, and 13 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Soria, et al. in view of U.S. 5,707,584 to Terpstra, et al.

Terpstra, et al. does not teach a distinguishing features of an independent claim 1 from which claims 2, 8, and 9 depend, namely, the particle size and an oxycarboxylic acid. Since all words in a claim must be considered in judging the patentability of that claim against the prior art (*In re* Wilson, 165 USPQ 494 (CCPA 1970)), a prima facie case of obviousness cannot be established for claims 2, 8, and 9 under 35 USC 103(a) on the basis of the Soria, et al. and Terpstra, et al. references. Claim 13 defines a particle size far greater than taught by Soria, et al.

Further, the Applicant submits that if an independent claim is non-obvious under 35 USC 103 then any claim depending therefrom is non-obvious. *In re* Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988). In view of the dependencies of Soria, et al. and Terpstra, et al., the Applicant respectfully request the Examiner to withdraw this rejection.

Claim 7 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Soria, et al. in view of U.S. 5,082,607 to Tange, et al. In this rejection, the Examiner has stated that Soria, et al. teaches that the binder can be a polyacrylic acid but fails to describe that it

is polymerized after shaping using a radical starter and looks to Tange for a teaching of using a mono functional unsaturated compound like methacrylate or acrylic acid and using a radical polymerization initiator.

The Applicant submits that Tange, et al. also does not teach the elements not taught by Soria, et al. and accordingly reasserts the hereinabove arguments in traversing this rejection.

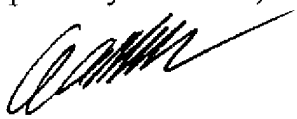
Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Soria, et al. in view of U.S. 4,571,414 to Renlund. In this rejection, the Examiner states that Soria, et al. fails to explicitly disclose the densities of the hollow fibers after being sintered are greater than 97% of the theoretical density and looks to Renlund for teaching of tubes having a density greater than 95%.

The Applicant again asserts that all the elements of the present invention not taught by Soria as hereinabove discussed are also not taught by Renlund and accordingly the combination cannot be interpreted as providing a prima facie case of obviousness under 35 USC 103(a).

Claim 12 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Soria, et al. in view of Renlund, et al. The Applicant respectfully reiterates the argument hereinabove set forth and submits that a prima facie case of obviousness cannot be established under 35 USC 103(a) on the basis of the Soria, et al. and Renlund, et al.

In view of the arguments hereinabove set forth and amendment to the claims and specification, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



Walter A. Hackler
Attorney of Record
Registration No. 27,792
2372 S.E. Bristol, Suite B
Newport Beach, California 92660
(949) 851-5010